IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19886 of 2004

Between:

Sri B.A.Raju, S/o.Venkanna,
R/o.Butlamanguturu, Penumantra Mandal, W.G.Dist.

..... PETITIONER

AND

1 Regional Manager, APSRTC, West Godavari Region, Eluru.
2 Divisional Manager, APSRTC, Tanuku Division, Tanuku, W.G.Dist.
3 Depot Manager, APSRTC, Bhimavaram Depot, Bhimavaram, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more fully in the nature of writ of Mandamus declaring the proceedings No.02/95(42)/2003-BVRM, dated 01-11-2003, of the Depot Manager, Bhimavaram i.e., 3rd respondent herein and confirmed by the Divisional Manager, Tanuku Division, vide proceedings No.PA/19(62)/2003-DVM/ TNK dated 20-03-2004 i.e., 2nd respondent herein and further confirmed by the Regional Manager, West Godavari Region at Eluru vide proceedings No.PA/675(26)/2004-RM-WG, dt.11-05-04 i.e., the 1st Respondent herein as illegal, improper and arbitrary and consequently direct the respondents herein to re-instate the petitioner in service along with back wages, continuity of service and all attendant benefits.

Counsel for the Petitioner: MR.P.KRISHNA PRAKASH

Counsel for the Respondents: MR.R.MANMADHA REDDY,SC FOR A.P.S.R.T.C.

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner worked as a Conductor in the respondent-Corporation. He was removed from service by way of a punishment through the proceedings dated 01-11-2003. He preferred an appeal before the 2nd respondent and it was dismissed on 20-03-2004. He filed a review petition before the 1st respondent and it was also dismissed on 11-05-2004. The petitioner, being aggrieved by the adverse orders passed by the respondents, approached this Court seeking to hold that the impugned orders are illegal, arbitrary and to direct the respondents to reinstate the petitioner into service along with back wages, continuity of service etc., The petitioner instead of approaching the Industrial Tribunal, approached this Court seeking the above reliefs. There is a limited scope for interference by invoking the writ jurisdiction regarding the merits of the case. Therefore, if the petitioner is so advised, he may approach the Industrial Tribunal expressing his grievance regarding the impugned orders passed by the respondents.

The writ petition is accordingly disposed of giving liberty to the petitioner to approach the Industrial Tribunal. The period spent by the petitioner for filing the writ petition shall be excluded for the purpose of limitation. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 29th October, 2004.

*TSNR

TO

1 Regional Manager, APSRTC, West Godavari Region, Eluru.
2 Divisional Manager, APSRTC, Tanuku Division, Tanuku, W.G.Dist.
3 Depot Manager, APSRTC, Bhimavaram Depot, Bhimavaram, W.G.Dist.

4 Two C.D.Copes